

ESB 6764 - H COMM AMD

By Committee on Judiciary

ADOPTED 3/03/2010

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 4.56.110 and 2004 c 185 s 2 are each amended to read  
4 as follows:

5 Interest on judgments shall accrue as follows:

6 (1) Judgments founded on written contracts, providing for the  
7 payment of interest until paid at a specified rate, shall bear  
8 interest at the rate specified in the contracts: PROVIDED, That said  
9 interest rate is set forth in the judgment.

10 (2) All judgments for unpaid child support that have accrued under  
11 a superior court order or an order entered under the administrative  
12 procedure act shall bear interest at the rate of twelve percent.

13 (3) (a) Judgments founded on the tortious conduct of (~~individuals~~  
14 ~~or other entities, whether acting in their personal or representative~~  
15 ~~capacities,~~) a "public agency" as defined in RCW 42.30.020 shall bear  
16 interest from the date of entry at two percentage points above the  
17 equivalent coupon issue yield, as published by the board of governors  
18 of the federal reserve system, of the average bill rate for twenty-six  
19 week treasury bills as determined at the first bill market auction  
20 conducted during the calendar month immediately preceding the date of  
21 entry. In any case where a court is directed on review to enter  
22 judgment on a verdict or in any case where a judgment entered on a  
23 verdict is wholly or partly affirmed on review, interest on the  
24 judgment or on that portion of the judgment affirmed shall date back  
25 to and shall accrue from the date the verdict was rendered.

26 (b) Except as provided in subsection (3)(a) of this section,  
27 judgments founded on the tortious conduct of individuals or other

1 entities, whether acting in their personal or representative  
2 capacities, shall bear interest from the date of entry at two  
3 percentage points above the prime rate, as published by the board of  
4 governors of the federal reserve system on the first business day of  
5 the calendar month immediately preceding the date of entry. In any  
6 case where a court is directed on review to enter judgment on a  
7 verdict or in any case where a judgment entered on a verdict is wholly  
8 or partly affirmed on review, interest on the judgment or on that  
9 portion of the judgment affirmed shall date back to and shall accrue  
10 from the date the verdict was rendered.

11 (4) Except as provided under subsections (1), (2), and (3) of this  
12 section, judgments shall bear interest from the date of entry at the  
13 maximum rate permitted under RCW 19.52.020 on the date of entry  
14 thereof. In any case where a court is directed on review to enter  
15 judgment on a verdict or in any case where a judgment entered on a  
16 verdict is wholly or partly affirmed on review, interest on the  
17 judgment or on that portion of the judgment affirmed shall date back  
18 to and shall accrue from the date the verdict was rendered. The  
19 method for determining an interest rate prescribed by this subsection  
20 is also the method for determining the "rate applicable to civil  
21 judgments" for purposes of RCW 10.82.090.

22  
23 NEW SECTION. Sec. 2. The rate of interest required by RCW 4.56.110  
24 3(a) and (b) applies to the accrual of interest:

25 (1) As of the date of entry of judgment with respect to a judgment  
26 that is entered on or after the effective date of this section; and

27 (2) As of the effective date of this section with respect to a  
28 judgment that was entered before the effective date of this section  
29 and that is still accruing interest on the effective date of this  
30 section."

31  
**EFFECT:** Applies the rate of 2 percentage points above the 26-  
week T-bill rate only to judgments founded on the tortious conduct  
of a public agency. Creates an interest rate of two percentage

points above the prime rate for judgments founded on the tortious conduct of any person or entity that is not a public agency. Removes the section citing the act as the appellate congestion reduction act. Adds a section specifying that this act will apply to judgments entered on or after the effective date and judgments entered before the effective date that are still accruing interest.

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